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LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELIHUE C. CRUMP,

Plaintiff,

-against-

SHERIFF VINCENT F. DEMARCO, Individually
and his official capacity as Sheriff of Suffolk County,
JOHN DOE, Superintendent of Suffolk County Jail,

Defendants.
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FEUERSTEIN, District Judge:

Presently pending before the Court is the complaint brought by incarcerated pro se plaintiff Elihue C. Crump ("plaintiff") pursuant to 42 U.S.C. § 1983, accompanied by an application to proceed in forma pauperis. Upon review of the declaration in support of the application to proceed in forma pauperis, the Court determines that the plaintiff's financial status qualifies him to commence this action without prepayment of the \$350.00 filing fee. See 28 U.S.C. §§ 1914(a); 1915(a)(1). Therefore, plaintiff's request to proceed in forma pauperis is granted.

Having reviewed the pro se complaint, the undersigned does not conclude at this stage that the within action is frivolous or malicious within the meaning of 28 U.S.C. § 1915. See McEachin v. McGuinnis, 357 F.3d 197, 200 (2d Cir. 2004). Accordingly, the application to proceed in forma pauperis is granted and the Court orders service of the complaint without prepayment of the filing fee.

The Clerk of the Court is directed to forward to the United States Marshal for the Eastern District of New York copies of the summons, complaint, and this Order for service upon the defendants without prepayment of fees. Furthermore, the Clerk is directed to mail a copy of this Order to the plaintiff. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.



Sandra J. Feuerstein
United States District Judge

Dated: December 8, 2011
Central Islip, New York